

# ***EXHIBIT 12***

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

--oOo--

WAYMO LLC,

Plaintiff,

Case

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

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VIDEOTAPED DEPOSITION OF ALEXANDER (SASHA) ZBROZEK

VOLUME II

WEDNESDAY, SEPTEMBER 6, 2017

Reported by:

Anrae Wimberley

CSR No. 7778

Job No. 2693569

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1	Q. Yeah.	14:15:25
2	When did somebody first tell you that you	14:15:27
3	were going to do something in connection with Anthony	14:15:30
4	Levandowski?	14:15:32
5	A. I don't remember the exact time, but about a	14:15:35
6	year ago a request came in.	14:15:38
7	Q. From who?	14:15:39
8	A. From some lawyers.	14:15:41
9	Q. What lawyer?	14:15:44
10	A. I don't remember the names.	14:15:45
11	Q. And what was the request?	14:15:47
12	A. Can you clarify.	14:15:49
13	Q. Yes.	14:15:49
14	What were you asked to do?	14:15:53
15	A. The legal team asked me to pull some logs for	14:15:58
16	several individuals from our Subversion repository at	14:16:02
17	Waymo.	14:16:03
18	Q. And you did that?	14:16:04
19	A. Yes, I did retrieve some logs.	14:16:07
20	Q. You testified last time about Anthony	14:16:09
21	Levandowski.	14:16:09
22	How many other employees did you retrieve	14:16:12
23	logs for?	14:16:14
24	A. Is an approximate answer okay?	14:16:19
25	Q. Sure.	14:16:20

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1           A.    More than five and less than ten, and I don't   14:16:23  
2           remember the exact number.                               14:16:24  
3           Q.    What did the lawyers say to you about why       14:16:29  
4           they wanted you to do this?                               14:16:31  
5           A.    I was given no reasons.                            14:16:32  
6           Q.    Did you ask?                                        14:16:34  
7           A.    I don't think so.                                   14:16:35  
8           Q.    Did anybody other than lawyers explain to you   14:16:38  
9           why you were doing this?                                14:16:40  
10          A.    I don't remember.                                 14:16:44  
11          Q.    Did you talk to any coworkers about this        14:16:47  
12          project?    14:16:48  
13          A.    I did tell them that I was asked.                 14:16:52  
14          Q.    To do what?   14:16:53  
15          A.    I told them that there was a request to pull     14:16:56  
16          some logs for a handful of folks.                        14:16:59  
17          Q.    Who did you tell that to?                         14:17:01  
18          A.    I don't remember.                                 14:17:02  
19          Q.    Do you remember anybody?                         14:17:03  
20          A.    I don't remember.                                 14:17:04  
21          Q.    What did you tell them?                            14:17:06  
22          A.    I don't remember.                                 14:17:11  
23          Q.    You do recall that, because this was a            14:17:14  
24          request of the legal department, you took it            14:17:16  
25          seriously?   14:17:17

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1	day before?	14:24:01
2	MR. BAKER: Objection to form.	14:24:02
3	THE WITNESS: So to work through a timeline -- so	14:24:06
4	suppose that User A adds a file and User B modifies a	14:24:12
5	file and then User C requests the snapshot. Unless	14:24:19
6	they explicitly request a snapshot from some previous	14:24:24
7	point in time, they will get the version of the file	14:24:28
8	committed by User B. Hopefully that's clear.	14:24:32
9	BY MR. GONZALEZ:	14:24:32
10	Q. Understood.	14:24:33
11	Who did you report your findings to?	14:24:37
12	A. I responded to the e-mail thread, from which	14:24:42
13	I was given the requests.	14:24:44
14	Q. Did you ever attend any meetings to discuss	14:24:46
15	what you were doing?	14:24:49
16	A. There were -- there were some	14:24:51
17	videoconferences with the legal team.	14:24:53
18	Q. How many?	14:24:54
19	A. I don't remember.	14:24:56
20	Q. Approximately?	14:24:57
21	A. I don't remember.	14:24:58
22	Q. More or less than five?	14:25:00
23	A. It was at least one.	14:25:02
24	Q. And where were you geographically during the	14:25:09
25	videoconference?	14:25:12

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1	A.	I would have been in 100 Mayfield.	14:25:17
2	Q.	How many people were with you in your room?	14:25:22
3	A.	I don't remember.	14:25:23
4	Q.	Approximately?	14:25:25
5	A.	I don't remember.	14:25:26
6	Q.	More or less than five?	14:25:28
7	A.	I don't remember.	14:25:29
8	Q.	Do you remember anyone who was there with	14:25:31
9		you?	14:25:31
10	A.	I don't remember.	14:25:32
11	Q.	How many other locations participated in the	14:25:40
12		videoconference?	14:25:41
13	A.	I don't remember.	14:25:43
14	Q.	More or less than five?	14:25:44
15	A.	I don't remember.	14:25:45
16	Q.	How many other people participated in the	14:25:50
17		videoconference from other locations?	14:25:52
18	A.	I don't remember.	14:25:53
19	Q.	Do you remember anyone?	14:26:02
20	A.	No, not really.	14:26:04
21	Q.	How long did the videoconference last?	14:26:07
22	A.	I don't remember.	14:26:09
23	Q.	Who scheduled it?	14:26:11
24	MR. BAKER:	Objection to form.	14:26:13
25	THE WITNESS:	I believe the legal team, but I	14:26:15

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1	don't know that for sure.	14:26:17
2	BY MR. GONZALEZ:	14:26:17
3	Q. Do you remember anything that was discussed?	14:26:23
4	A. Only vaguely.	14:26:27
5	Q. What do you recall vaguely?	14:26:30
6	A. I remember that we discussed how the logs	14:26:36
7	were pulled and how the analysis was conducted.	14:26:40
8	Q. Anything else?	14:26:42
9	A. I don't remember.	14:26:43
10	Q. Did you speak during this videoconference?	14:26:48
11	A. Probably, but I don't remember for sure.	14:26:53
12	Q. Do you remember anything specific that anyone	14:26:57
13	said during the conference?	14:26:59
14	A. No, I don't remember.	14:27:00
15	Q. Do you remember whether there were more than	14:27:07
16	one videoconferences?	14:27:09
17	A. I remember that there was at least one	14:27:11
18	videoconference.	14:27:12
19	Q. But you don't remember anybody who was there	14:27:16
20	and you don't remember anything specific that anybody	14:27:19
21	said; is that right?	14:27:20
22	A. I remember that lawyers were part of the	14:27:24
23	videoconference, but I don't remember specifically who	14:27:27
24	they were.	14:27:28
25	Q. Or what any of them said?	14:27:30

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1 Do you see that? 14:44:04

2 A. I see that. 14:44:05

3 Q. Sitting here today, do you recall, other than 14:44:06

4 Anthony Levandowski, who the other people were that 14:44:09

5 you investigated? 14:44:11

6 A. Well, based on what's printed here, it looks 14:44:16

7 like there were two additional user names. I remember 14:44:21

8 one other user name, and I remember that there were 14:44:26

9 additional user names, but I don't remember what those 14:44:28

10 were. 14:44:31

11 MR. BAKER: For the record, Counsel, this is an 14:44:33

12 old version of the document. This redaction no longer 14:44:36

13 exists. 14:44:37

14 MR. GONZALEZ: I understand. Thank you. 14:44:38

15 MR. BAKER: And also I just want to put on the 14:44:39

16 record that we're allowing him to answer questions 14:44:42

17 about these other employees based on Judge Corley's 14:44:47

18 ruling and comments on the record from a few days ago. 14:44:51

19 MR. GONZALEZ: Understood. Thank you. 14:44:52

20 BY MR. GONZALEZ: 14:44:52

21 Q. What are the names you recall? 14:44:54

22 A. I recall that Gaetan was on this list. 14:44:57

23 Q. And what is Gaetan's full name? 14:45:01

24 A. I believe it is Gaetan Pennecot, but I may be 14:45:08

25 wrong. 14:45:08

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1 MR. BAKER: I want to mark the transcript highly 15:03:46  
2 confidential. 15:03:48  
3 MR. GONZALEZ: We would object to that, but we'll 15:03:53  
4 deal with that later. 15:03:56  
5 BY MR. GONZALEZ: 15:03:56  
6 Q. Then in that same e-mail, after you say it's 15:03:59  
7 "low value," in the very next paragraph, you say, 15:04:03  
8 "It's not particularly surprising that he might check 15:04:08  
9 things out once in the misguided dream of maybe making 15:04:13  
10 individual contribution" -- 15:04:15  
11 Do you see that? 15:04:16  
12 A. I do see that. 15:04:17  
13 Q. And the "he" you're talking about is 15:04:20  
14 Mr. Levandowski; is that correct? 15:04:21  
15 A. That is correct. 15:04:22  
16 Q. -- "or maybe taking a look at the progress of 15:04:26  
17 a widget." 15:04:26  
18 Do you see that? 15:04:27  
19 A. I do see that. 15:04:28  
20 Q. And you expressed that opinion to the lawyer, 15:04:30  
21 understanding that the lawyer was looking into 15:04:33  
22 Mr. Levandowski's conduct; correct? 15:04:35  
23 MR. BAKER: Objection to form. 15:04:36  
24 THE WITNESS: What the lawyer was hoping to get, I 15:04:39  
25 don't know. 15:04:39

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1 FEDERAL CERTIFICATE OF DEPOSITION OFFICER  
2 I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby  
declare:

3 That, prior to being examined, the witness named  
4 in the foregoing deposition was by me duly sworn  
pursuant to Section 30(f)(1) of the Federal Rules of  
Civil Procedure and the deposition is a true record of  
5 the testimony given by the witness;

6 That said deposition was taken down by me in  
shorthand at the time and place therein named and  
thereafter reduced to text under my direction;

7 ----- That the witness was requested to  
8 review the transcript and make any changes to the  
transcript as a result of that review pursuant to  
9 Section 30(e) of the Federal Rules of Civil Procedure;

10 ----- No changes have been provided by the  
witness during the period allowed;

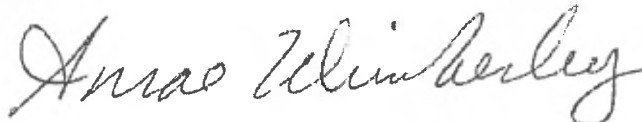
11 ----- The changes made by the witness are  
12 appended to the transcript;

13 --X--- No request was made that the transcript  
be reviewed pursuant to Section 30(e) of the Federal  
14 Rules of Civil Procedure.

15 I further declare that I have no interest in the  
event of the action.

16 I declare under penalty of perjury under the laws  
17 of the United States of America that the foregoing is  
true and correct.

18 WITNESS my hand this 7th day of September, 2017.  
19  
20  
21  
22  
23  
24  
25



ANRAE WIMBERLEY, CSR NO. 7778